

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

BARFIELD NOMINEES LIMITED,

Defendant.

Adv. Pro. No. 12-01669 (CGM)

STIPULATION AND ORDER TO WAIVE ARGUMENT

Plaintiff Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities and the estate of Bernard L. Madoff, and defendant,¹ Barfield Nominees Limited (“Barfield” and together with the Trustee, the “Parties”), by and through their respective, undersigned counsel, stipulate as follows:

¹ On July 22, 2022, the Trustee dismissed defendant Northern Trust Corporation. *See Stipulation and Order to Dismiss Defendant Northern Trust Corporation Without Prejudice* (ECF No. 96).

WHEREAS, on April 28, 2022, Barfield filed a motion to dismiss the Trustee's complaint (the "Motion"), ECF No. 88, with a supporting declaration and memorandum of law, ECF Nos. 89–90;

WHEREAS, on June 27, 2022, the Trustee filed an opposition to the Motion, ECF No. 93, with a supporting declaration, ECF No. 94;

WHEREAS, on August 10, 2022, Barfield filed a reply in further support of its Motion, ECF No. 98, with a supporting declaration, ECF No. 99;

WHEREAS, pursuant to a notice of hearing, ECF No. 91, the Court scheduled a hearing to consider the Motion to be held on September 14, 2022, at 10:00 A.M.; and

WHEREAS, the Parties have met and conferred and have agreed to rest on their papers and waive oral argument on the Motion.

IT IS HEREBY STIPULATED AND AGREED, by the Parties, and **SO ORDERED**, by the Court:

1. The Parties have agreed to rely on the papers submitted in support of and opposition to the Motion.
2. The Court will cancel the oral argument on the Motion scheduled for September 14, 2022, at 10:00 A.M.
3. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

[Signature Page Follows]

Dated: August 25, 2022
New York, New York

**YOUNG CONAWAY STARGATT &
TAYLOR, LLP**

By: /s/ Matthew B. Lunn
Rockefeller Center
1270 Avenue of the Americas, Suite 2210
New York, New York 10020
Telephone: (212) 332-8840
Facsimile: (212) 332-8855
Matthew B. Lunn
Email: mlunn@ycst.com
Justin P. Duda
Email: jduda@ycst.com
Roxanne M. Eastes
Email: reastes@ycst.com

*Attorneys for Plaintiff Irving H. Picard,
Trustee for the Substantively Consolidated
SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate of
Bernard L. Madoff*

KATTEN MUCHIN ROSENMAN LLP

By: /s/ Mark T. Ciani
50 Rockefeller Plaza
New York, New York 10020
Telephone: (212) 940-8800
Facsimile: (212) 940-8776
Mark T. Ciani
mark.ciani@katten.com
Anthony L. Paccione
anthony.paccione@katten.com

*Attorneys for Defendant Barfield Nominees
Limited*

**Dated: August 25, 2022
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**